

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
15499.377.3

In Re Application Of: **Nye et al.**

Serial No.
10/737,034

Filing Date
December 15, 2003

Examiner
Not Assigned

Group Art Unit
Not Assigned

Title: **MODERN BASKETBALL SYSTEM**

Address to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

37 CFR 1.97(b)

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☐ the statement specified in 37 CFR 1.97(e);

OR

☐ the fee set forth in 37 CFR 1.17(p).

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MODERN BASKETBALL SYSTEM

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 23-3178 as described below.
- ☐ Charge the amount of _____
- ☐ Credit any overpayment.
- ☒ Charge any additional fee required.

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (F:

(Date)

Signature

Typed or Printed Name of Person Signing Certificate

Certificate of Mailing by First Class Mail

I certify that this document and fee is being deposited on May 26, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Signature of Person Mailing Correspondence

RICHARD C. GILMORE

Typed or Printed Name of Person Mailing Certificate

*This certificate may only be used if paying by deposit account.

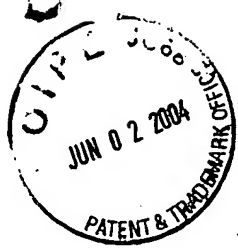

Signature

RICHARD C. GILMORE, Reg. No. 37,335

CUSTOMER NO. 022913

Dated: May 26, 2004

CC:



PATENT APPLICATION
Docket No: 15499.377.3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Nye et al.)
)
Serial No.:	10/737,034)
)
Filed:	December 15, 2003)
)
Title:	MODERN BASKETBALL SYSTEM)
)
Customer No.:	022,913)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR § 1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please find, pursuant to 37 C.F.R. § 1.98 (a) (1), enclosed Form PTO-1449 that contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56 (c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 37 C.F.R. §§ 102 or 103, the enclosed list of references is disclosed to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Pursuant to 37 C.F.R. § 1.97 (g) and (h), Applicant makes no representation that a search has been made or that the information cited is considered to be material to patentability. Additionally, Applicant makes no representation regarding the completeness of this list nor represents that other art does not exist.

Appl. No. : 10/737,034
Filed : December 15, 2003

Applicant has listed publication dates on the attached Form PTO-1449 based on information that is presently available to the undersigned attorney of record. The listed publication dates, however, should not be construed as an admission that the references were actually published on the dates indicated and Applicant reserves the right to establish that the actual publication dates of any of these references.

Applicant also reserves the right to establish patentability of the claimed invention over any of the listed references, and/or to prove that any of the listed references are not prior art, and/or to prove that any of the listed references do not enable or otherwise teach, suggest or disclose the claimed invention.

In accordance with United States Patent and Trademark Office OG Notice dated August 5, 2003, which waived the requirement under 37 C.F.R. § 1.98 (a) (2) (i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003, a copy of listed U.S. patents and U.S. patent application publications is not enclosed. A copy of listed foreign patent documents and non-patent literature or relevant portion thereof is enclosed in accordance with 37 C.F.R. § 1.98 (a) (2).

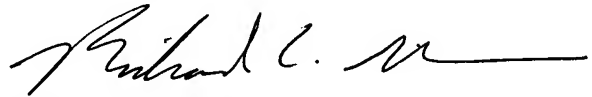
In accordance with 37 C.F.R. § 1.98 (c), all English translations within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56 (c) of each non-English reference, if any, are also enclosed.

Appl. No. : 10/737,034
Filed : December 15, 2003

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency or credit any overpayment to our Deposit Account No. 23-3178 in connection with filing this document and any other documents filed herewith.

DATED this 26 day of May, 2004.

Respectfully submitted,



Richard C. Gilmore
Attorney for Applicant
Registration No. 37,335

CUSTOMER NO.: 022,913

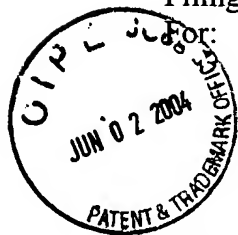
Applicant: Nye et al.

Serial No.: 10/737,034

Att'y Docket No.: 15499.377.3

Filing Date: December 15, 2003

For: MODERN BASKETBALL SYSTEM

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Issue Date</u>	<u>Name</u>
_____ A1	4,723,777	02/09/1988	Jolly
_____ A2	5,154,414	10/13/1992	Auer et al.
_____ A3	5,586,759	12/24/1996	Fitzsimmons et al.
_____ A4	6,120,396	09/19/2000	Van Nimwegen et al.
_____ A5	6,283,878	09/04/2001	White
_____ A6	6,419,597	07/16/2002	Van Nimwegen et al.

Foreign Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Publication Date</u>	<u>Country or Patent Office</u>
NONE			

Other Documents

(including author, title, pertinent pages, etc.)

Examiner
Initial*

NONE

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Nye et al.
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References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
